

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

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In re:

PROMESA  
Title III

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO,  
et al.,

(Jointly Administered)

Debtors.<sup>1</sup>  
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ORDER REGARDING DEFECTIVE MOTION FOR LEAVE TO WITHDRAW

The Court has received and reviewed the *Motion for Leave to Withdraw* (the “Motion to Withdraw”) filed by Ismael H. Herrero III (“Counsel”). (Docket Entry No. 1252.) Pursuant to Local Bankruptcy Rule 9010-1(3)(A), an attorney may withdraw from a case or proceeding without leave of court by filing a notice of withdrawal with the Court, provided that:

- i. the notice of withdrawal is accompanied by a notice of appearance of other counsel;
- ii. the attorney seeking to withdraw certifies that his client has been advised regarding the procedures and responsibilities related to appearing pro se, and that after conferring with the attorney, the client has stated his intention to proceed pro se;
- iii. there are no motions pending before the court; and
- iv. no trial or hearing date has been scheduled.

The Motion to Withdraw is defective because it is not accompanied by a notice of appearance of other counsel to PFZ Properties, Inc., which may not appear in this proceeding without counsel, as it is not a natural person. Rowland v. California Men’s Colony, 506 U.S. 194, 202–03 (1993) (explaining that corporations and other artificial entities can only appear in

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

federal court through licensed counsel). Counsel is hereby directed to file an amended Motion to Withdraw or notice of withdrawal by **September 18, 2017**. Failure to comply with this order will result in the Motion to Withdraw being stricken from the docket.

SO ORDERED.

Dated: September 11, 2017

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
United States District Judge